

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

HARRY WHITNEY, *et al.*,

Plaintiffs,

No. 86-71529

v.

ROBERT BROWN, *et al.*,

Hon. John Corbett O'Meara

Defendants.

/

**ORDER DENYING MOVANTS'
MOTION FOR A TEMPORARY RESTRAINING ORDER**

On July 9, 2005, non-party movants Joshua A. Copenhaver and Julian M. Gordon, both Jewish prisoners at the Florence Crane Correctional Facility in Coldwater, Michigan, filed a motion for a temporary restraining order, seeking to enjoin the prohibition of a portion of their observance of the Passover Seder. This motion has remained on the docket for over a year; however, this court has lacked jurisdiction over the matter from the time the motion was filed. As a result, this court will deny this motion so that the docket may reflect its jurisdictional disposition over Copenhaver and Gordon's claims in this suit.

Article III authorizes courts "only to redress or otherwise protect against injury to the complaining party, even though the court's judgment may benefit others collaterally. A federal court's jurisdiction therefore can be invoked only when the plaintiff himself has suffered 'some threatened or actual injury from the putatively illegal action.'" Warth v. Seldin, 422 U.S. 490, 499 (1975) (citations omitted); see also Coal Operators & Assocs. V. Babbitt, 291 F.3d 912, 916 (6th Cir. 2002). Neither Copenhaver nor Gordon is a party to this suit, and a final judgement was entered on the merits nearly 17 years ago. Whitney v. Brown, 882 F.2d 1068

(6th Cir. 1989). Therefore, Copenhaver and Gordon lack standing to seek any redress from this court in this law suit.

Accordingly, it is hereby **ORDERED** that movants' motion for a temporary restraining order is **DENIED**.

It is further **ORDERED** that Copenhaver and Gordon file no further motions of any kind under this case number.

S/John Corbett O'Meara
John Corbett O'Meara
United States District Judge

Dated: August 6, 2006

Certificate of Service

I hereby certify that a copy of this Order was served upon the attorneys and/or parties of record by electronic means or U. S. Mail on August 06, 2006.

s/William J. Barkholz
Courtroom Deputy Clerk